

REMARKS

Claims 1 and 3-7 are pending. No new matter has been added by way of the present amendment. For instance, claims 1 and 7 have been amended so as to more clearly describe the nature of natural rubber. For instance, the natural rubber originates from natural rubber latex containing allergic proteins as supported by the present specification at page 1, lines 18-19, page 1, line 33 to page 2, line 4 and page 4, lines 4-8 and page 5, lines 24-30, illustratively. Thus, no new matter has been added.

Additionally, no new issues have been raised by the way of the present submission which will require additional search and/or consideration on the part of the Examiner. For instance, Applicants have simply clarified the nature of the present natural rubber as understood by those skilled in the art. Thus, the Examiner is not presented with the burden of additional search and/or consideration.

In the event that present submission does not place the application into condition for allowance, entry thereof is respectfully requested as placing the application into better form for appeal.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 103(a)

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being obvious over Cornish, U.S. Patent No. 5,580,942 (hereafter Cornish '942) in view of Hamada et al. Japanese Patent Publication 2001-122906 (hereafter JP '906) as evidenced by Cornish et al., Enc. Poly Sci and Tech., John Wiley and Sons, (hereafter Cornish et al.)

Additionally, the Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being obvious over Cornish '942 in view of JP '906 as evidenced by Cornish et al.

Lastly, the Examiner has rejected claims 3-6 under 35 U.S.C. § 103(a) as being obvious over Cornish '942 in view of JP '906 as evidenced by Cornish et al. and further in view of Tanaka et al., U.S. Patent No. 6,355,407 (hereafter Tanaka '407).

Applicants respectfully traverse.

It is noted that the Examiner's rejections rely upon the primary reference of Cornish '942. As will become evident below, the present invention is distinct therefrom.

The Present Invention and its Distinctions with Respect to the Cited Art

The natural rubber in claim 1 of the present application originates from natural rubber latex containing allergic proteins as described above.

The natural rubber latex containing allergic proteins is limited to Hevea latex, that is, rubber latex taken from Hevea brasiliensis as understood from column 2, lines 52-57 of Cornish '942 and differs from rubber taken from other rubber-producing species such as Guayule or Ficus elastica.

“The proteins present in Guayule, Ficus elastica (F. elastica) and other rubber-producing species were found to be different from those in Hevea latex, indicating that their rubber may not cause the allergic response found in Hevea-sensitive individuals.”

As is evident, the natural rubber in claim 1 of the present application is limited to natural rubber obtained by removing certain allergic proteins from natural rubber latex containing allergic proteins (i.e., natural rubber latex taken from Hevea brasiliensis) and not natural rubber that inherently contains no allergic proteins.

Cornish '942 discloses hypoallergenic rubber products. However, since the hypoallergenic rubber products are taken from non-Hevea plants as described in the above citation in the paragraph 2 and column 2, lines 12-22, they originate from natural rubber inherently containing no allergic proteins.

Therefore, the hypoallergenic rubber products of Cornish '942 clearly differ from the natural rubber originating from natural rubber latex containing allergic proteins in claim 1 of the present application.

In addition, Guayle rubber, which is one of the non-Hevea plants disclosed by Cornish '942, is not produced as latex and is obtained by extraction with a solvent or a surfactant. Therefore, it differs from the natural rubber of the present invention in origin as it is not produced as latex.

To further explain, attached herewith are copies of the following two documents concerning the definition of natural rubber.

- i) *Dictionary of Science and Technology*, C. Morris ed., Academic Press Inc., (1992).
- ii) *Encyclopedia of Polymer Science and Technology*, version 3, H.F. mark Ed., Willey Interscience, pg. 9 (1990).

In summary, Cornish '942 as the primary reference fails to disclose natural rubber originating from natural rubber latex containing allergic proteins and natural rubber containing substantially no allergic proteins (i.e., specified by bands of 14, 31 and 45 kDa by SDS-Page) as described above. The other references fail to cure this deficiency. Thus, claims 1 and 7 of the present application are not obvious from Cornish '942 in view of JP '906 as evidenced by Cornish '942 et al.

Since claims 3-6 refer to claim 1 directly or through another claim, claims 3-6 are also not obvious from Cornish '942 in view of JP '906 as evidenced by Cornish et al.

In view of the above, Applicants respectfully request that the Examiner withdrawal all rejections and allow the currently pending claims.

If the Examiner has any questions or comments please contact Craig A. McRobbie, Reg. No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By  #42-874

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments: (1) *Dictionary of Science and Technology*, C. Morris ed., Academic Press Inc., (1992)

(2) *Encyclopedia of Polymer Science and Technology*, version 3, H.F. mark Ed., Willey Interscience, pg. 9 (1990)